

---

# **Chapter 1 Scope of Crime/Historical Review of the Victims' Rights Discipline**

## **Abstract**

Violent crime in America has become a national crisis and, as a result, America's mental health, health care, and public safety systems are seriously challenged. Recent surveys have helped create new understanding of the scope of crime and its impact. The mental health impact of violent crime can be seen in the prevalence of posttraumatic stress disorder (PTSD) among women with a history of violent victimization and individuals who have lost a family member to homicide. This chapter will discuss scope and impact of crime in America, the foundations of the rule of law in this country, the four somewhat diverse movements that pre-dated the victims' rights discipline and set the stage for its emergence, and the history of the victims' rights discipline in five distinct stages. In addition, the emergence of new organizations dedicated to assisting crime victims is described, as well as the challenges facing the field today.

## **Learning Objectives**

Upon completion of this chapter, students will understand the following concepts:

- The extent to which violent crime is a concern for Americans.
- The scope and cost of violent crime and the extent to which it has increased in recent years.
- The extent to which concerns or fears about crime have affected the way Americans live and the broader impact of violence on an individual's world view.
- The origins of the rule of law in the United States.
- The origins and historical stages of the crime victims' rights movement in the United States.
- The major crime victim advocacy organizations and critical legislative and policy accomplishments of the victims' rights discipline over the past thirty years.
- The history of crime victim services in South Carolina.

## Statistical Overview

The first set of statistics summarized below are from the U.S. Department of Justice *National Crime Victimization Survey*, conducted annually by the Bureau of Justice Statistics (BJS). Each year, BJS interviews 100,000 people aged twelve or older about crimes they experienced during the previous six months. The survey includes both crimes reported and not reported to police. Because the BJS survey includes these unreported crimes, there are differences between these data and the FBI's *Uniform Crime Report*, the second set of statistics listed below. The *Uniform Crime Report* is based on reports of crime from 16,000 police agencies.

### NATIONAL CRIME VICTIMIZATION SURVEY (NCVS)

- In 1998, U.S. residents aged twelve or older experienced approximately 31.3 million crimes. Types of victimization are as follows: 73% (22.9 million) were property crimes, 26% (8.1 million) were crimes of violence, and 1% (about 300,000) were personal thefts (BJS July 1999).
- Victims reported 46% of all violent crime and 35% of property crimes to the police in 1998. Among violent crimes, victims reported robberies most often (62%) and rape or sexual assaults least often (32%). Among property crimes, motor vehicle thefts continued to be the property crime most often reported (80%) (Ibid.).
- Total state correctional expenditures reached over \$27 billion dollars in FY 1996, a 115% increase from \$12.7 billion in 1985 (BJS August 1999).
- According to BJS, the total number of estimated personal and household victimizations has fallen in each year since 1992, except for 1993, despite increases in the U.S. population:

1992	42.8 million	1995	38.5 million
1993	43.5 million	1996	36.8 million
1994	42.4 million	1997	35 million (BJS 1998a)

### FBI'S UNIFORM CRIME REPORT

- In 1998, law enforcement agencies nationwide made an estimated 14.5 million arrests for all criminal infractions excluding traffic violations. More specifically, drug abuse violations accounted for 1.6 million arrests, driving under the influence registered approximately 1.4 million arrests, and larceny-thefts and simple assaults each accounted for 1.3 million arrests (FBI 17 October 1999, 209).

- According to the FBI's *Crime Clock* in 1997: one violent crime occurred every 19 seconds; one property crime occurred every 3 seconds; one murder occurred every 29 minutes; one forcible rape occurred every 5 minutes; one robbery occurred every 1 minute; one aggravated assault occurred every 31 seconds; one burglary occurred every 13 seconds; one larceny-theft occurred every 4 seconds; and one motor vehicle theft occurred every 23 seconds. The *Crime Clock* is designed to convey the annual reported crime experience by showing the relative frequency of the occurrence of Crime Index crimes (FBI 1998).
- In 1997, the Crime Index total (which measures the following crimes reported to law enforcement: murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft, and arson), estimated approximately 13.2 million offenses, dropped 2% from the 1996 total. This decline represents the lowest annual serious crime count since 1985 and the sixth consecutive annual decline (Ibid., 7).
- In 1997, an estimated 1.6 million violent crimes were reported to law enforcement, indicating a 3% decrease from the 1996 level (Ibid., 12).
- From 1996 to 1997, violent crime decreased in the nation's cities collectively by 4% and in the suburban counties by 2%. Rural counties, however, reported an increase of 3% in violent crime (Ibid.).
- The nation's violent crime rate fell 10% between 1995 and 1996 and was 16% lower than in 1993. Overall property crime was down more than 8% in 1996 and was 17% lower than in 1993 (Ibid.).

## **Introduction**

According to Webster's New World Dictionary, "disaster" is defined as "any happening that causes great harm or damage, serious or sudden misfortune, or calamity." Using this definition, the current level of violence in America is clearly a health, public safety, and mental health disaster. Despite recent reductions in criminal violence, crime still harms too many children and adults; it also affects America's families, America's communities, and the nation at large.

## **Scope of Crime**

Fear of crime continues to imperil the social fabric of America. Earlier studies expressed the concerns of Americans in several ways:

- In a 1991 survey of a national probability sample of 1,000 adult Americans, more than four out of five Americans (82%) said they were personally very concerned about violent crime (Kilpatrick, Seymour, and Boyle 1991).

- More Americans were concerned about violent crime and drug abuse than about unemployment, pollution, the deficit, or educational quality (Ibid.).
- A majority of Americans (54%) think that violent crime is more of a problem now than it was ten years ago (Ibid.).

More recent studies continue to point out Americans' fear of crime. In 1997, 64 percent of Gallup poll respondents reported they believed there was more crime than in the previous year (BJS 1998b), despite the significant reductions in crime recorded nationally during the late 1990s. Even as crime drops, the public perception of crime's magnitude increases.

Information about the magnitude of the violent crime problem suggests that Americans' concerns about crime are not misplaced. Data from *The National Women's Study*, a National Institute of Drug Abuse-funded survey of a national probability sample of 4,008 adult American women, indicated the following violent occurrences during a one-year period:

- 3.5% of the sample, or an estimated 3.7 million adult women, were victims of some type of sexual or aggravated assault during a one year period.
- 2.5%, or an estimated 2.4 million American women, were victims of rape or aggravated assault.
- 1.8%, or approximately 1.7 million American women, were victims of aggravated assault.
- 0.71%, or an estimated 683,000 American women, were victims of completed rape (Kilpatrick, Edmunds, and Seymour 1992; Resnick et al. 1993).

These estimates of rape are much higher than those obtained in the *National Crime Victimization Survey* because *The National Women's Study* used screening questions that were specifically designed to measure rape and other types of sexual assault (Kilpatrick, Edmunds, and Seymour 1992).

Americans are vulnerable to criminal victimizations throughout their lifespan. For example, *The National Women's Study* reported the frequency level of violence experienced in women's lives:

- 22.6% of sample members, or an estimated 21.7 million women in America, had been victims of some type of sexual assault throughout their lifetime.
- 12.9% of the sample, or an estimated 12.1 million people in America, had been victims of one or more completed rapes.

- 10.3%, or an estimated 9.8 million women, had been victims of aggravated assault.
- 13.4%, or an estimated 12.8 million women, had lost a family member or close friend to criminal homicide or alcohol-related vehicular homicide.
- Over a third of the sample members (35.6%), or an estimated 34.1 million adult women in America, had been victims of forcible sexual assault, aggravated assault, or had suffered the homicide death of a relative or close friend (Resnick et al. 1993).
- Almost 40% of women who had been raped had been raped more than once.
- 29% of all rapes happened before the victim was age eleven, and an additional 32.3% happened between the ages of eleven and seventeen (Kilpatrick, Edmunds, and Seymour 1992). Thus, almost two thirds (62.6%) of all rapes happened during childhood or adolescence.

A National Institute of Justice-funded national study of the indirect effects of criminal homicide (*The National Homicide Study*) found that 1.58% of the sample, or an estimated 2.8 million adults in America, had lost an immediate family member to criminal homicide (Amick-McMullan, Kilpatrick, and Resnick 1991).

- Another 1.48% of the sample, or an estimated 2.6 million adults, had lost another relative to homicide.
- An additional 0.75% of the sample, or an estimated 1.3 million adults in America, had lost a close friend to criminal homicide.
- In total, an estimated 3.82% of the sample, or an estimated 6.7 million adults, had suffered a homicide death of an immediate family member, other relative or close friend (Amick-McMullan, Kilpatrick, and Resnick 1991).

The *National Homicide Study* was conducted in 1987, preceding an increase in the homicide rate. Therefore, these estimates are extremely conservative as to the number of Americans indirectly affected by homicide between 1988 and 1990. Noting the statistics above indicating a decline in homicide since 1993, these figures may have validity today.

Millions of American men, women, and children are victims of criminal violence each year. Particularly for rape and sexual assault, official statistics substantially underestimate the extent of the problem. Information from nonretrospective studies is particularly poor about violence directed at children under twelve, adolescents, and/or men.

## **Cost of Crime**

In February 1996, the National Institute of Justice released the first comprehensive report on the cost of victimization. As a result of the data gathered from criminal justice agencies, medical professionals, hospitals, insurance companies, mental health professionals, crime victim compensation programs, and crime victims, significant information is available about the immediate, short-term, and long-term financial impact of victimization. Highlights of the study's findings include the following:

- Violent crime (including drunk driving and arson) accounts for \$426 billion annually, while property crime accounts for \$24 billion.
- Rape has the highest annual victim costs at \$127 billion per year (excluding child sex abuse), followed by assault at \$93 billion, murder (excluding arson and drunk driving) at \$61 billion, and child abuse at \$56 billion.

In addition, the Nation Center for Juvenile Justice reported findings in 1999 that demonstrate that allowing just one youth to leave high school for a life of crime and drug abuse costs society approximately \$2 million (NCJJ September 1999).

## **THE PHYSICAL IMPACT OF VIOLENCE**

Increasingly, attention is being focused upon the impact of violent crime on our nation's health care system. In August 1997, the Bureau of Justice Statistics released a bulletin entitled *Violence-Related Injuries Treated in Hospital Emergency Departments*, which presented findings from a study using the Consumer Product Safety Commission's National Electronic Injury Surveillance System (NEISS) program of violence-related injuries treated in hospital emergency departments in 1994. This study gives a specific view of the physical impact of violence. These findings, as reported in the bulletin, include the following:

- During 1994, U.S. hospital emergency departments (EDs) treated an estimated 1.4 million people for injuries from confirmed or suspected interpersonal violence. The study found that 94% of the persons treated for intentional or possibly intentional injuries sustained those injuries in an assault. About 31% of those injured during an assault--or 29% of all of those injured--indicated being injured during a fight. Two percent were injured during a completed or attempted robbery, and five percent were injured by an offender during a completed or attempted rape or sexual assault.
- Three-fifths of all persons treated in EDs for injuries sustained in violence were male. Persons under age twenty-five comprised about half of those treated in EDs for violence-related injuries.

- Patients treated as a result of confirmed (1.3 million) or suspected (82,000) violence represented a total of 1.5% of all visits to hospital EDs and 3.6% of the injury-related ED visits in 1994.
- People injured by violence were treated for a variety of injuries: 34% for bruises or similar injuries; 31% for cuts, stab wounds, or internal injuries; 17% for fractures, sprains, dislocations, dental injuries, or other muscular/skeletal injuries; 5% for gunshot injuries; 5% for rapes/other sexual assaults; 4% for concussions or other head injuries; and 5% for other injuries.

## **THE IMPACT OF VIOLENCE ON MENTAL HEALTH**

The mental health impact of criminal violence is substantial, but is not limited to post-traumatic stress disorder (PTSD). A history of violence substantially increases the risk for a host of other mental health disorders and problems including depression, suicide attempts, anxiety disorders, alcohol, and other drug abuse problems (Burnam et al. 1988; Kilpatrick et al. 1985; Kilpatrick, Edmunds, and Seymour 1992; Kilpatrick and Resnick 1993; Saunders et al. 1992). Illustrative are these data from *The National Women's Study* comparing the rates of PTSD, major depression, suicidal ideation, and suicide attempts among rape victims and nonvictims of crime (Kilpatrick, Edmunds, and Seymour 1992).

- Compared to their noncrime victim counterparts, rape victims were 6.2 times more likely to develop PTSD (31% vs. 5%), three times more likely to develop major depression (30% vs. 10%), 4.1 times more likely to have seriously contemplated suicide (33% vs. 8%), and 13 times more likely to have actually made a suicide attempt (13% vs. 1%).

There is also evidence that violence affects the longer-term physical health as well as the mental health of its victims. At least one study found that health care utilization and health problems increased following violent attacks (Koss, Woodruff, and Koss 1990).

## **THE IMPACT OF VIOLENCE ON WORLD OUTLOOK**

Not only does being a victim of violence affect physical and mental health; it also influences how one views the world. Many violence victims are no longer able to see the world as a safe place, as a just place, or as a place with meaning. Violence often breeds a cynicism and distrust that unravel the very fabric of social life.

Violence and fear of violence have taken away Americans' freedom. A majority of adult respondents interviewed in *America Speaks Out* reported that they were at least "a little fearful" of being attacked or robbed (Kilpatrick, Seymour, and Boyle 1991):

- When traveling on vacation or business (72%).
- Out alone at night in their own neighborhoods (61%).
- At home in their own house or apartment (60%).

Fear of crime restricts freedom of people to go where they want, when they want. Because of the threat of crime, many people in our nation restrict their behavior and/or have purchased some manner of protective device.

In *America Speaks Out* (Ibid.) respondents reported that:

- Sixty percent limited the places they will go by themselves.
- Almost a third limited the places or times they go shopping.
- More than one person in five limited the types of places he or she will work.
- More than one person in four has installed a home security system.
- Nearly one out of every five adults (18%) reports that the fear of crime has caused them to purchase a weapon for self-protection.

Fear of crime and fear of crime-related restrictions on lifestyle and behavior take a much heavier toll on women than on men.

Crime and fear of crime also place a heavy burden on the lives of racial and ethnic minorities. The *America Speaks Out* survey of 1,000 adults asked if respondents had ever been a victim of a violent crime involving the use or threat of force (Ibid.):

- Three out of ten Hispanics (30%) and almost three out of ten African-Americans (28%) but slightly less than two out of ten whites (19%) had been victims of violent crime. *Note:* These crime prevalence rates are almost certainly an underestimate because only one screening question was used.
- A higher proportion of African-Americans and Hispanics than whites say they are either somewhat or very afraid of being attacked or robbed at home (44% vs. 35% vs. 27%), on the streets of their neighborhood in the daytime (30% vs. 25% vs. 16%), alone at night in their neighborhood (48% vs. 50% vs. 31%), and with others at night in their neighborhood (28% vs. 23% vs. 13%). Fears of being attacked or robbed while traveling were more similar across racial/ethnic groups.



- With the exception of limiting places they go by themselves, which was high for all racial/ethnic groups, a higher percentage of African-Americans and Hispanics than whites say fear of crime has caused them to limit times or places they will work (33% vs. 37% vs. 19%), purchase a weapon for protection (27% vs. 25% vs. 16%), and purchase a home security system (34% vs. 41% vs. 22%).

This research information suggests racial/ethnic minorities are more likely than whites to have been violent crime victims. Their fear of crime is higher than whites, and their fear of crime causes them to place more restrictions on their lifestyles than whites.

The next sections of this chapter will "step back in time" and review the origin of the attitudinal changes about victimization that are exemplified in the recent surveys noted above. In order to provide a framework for understanding these attitudinal changes, a short overview of the historical origins of the rule of law in this country is provided below.

### **The Development of the Concept of Law**

A complete and accurate understanding of the concepts inherent in our American criminal law system can only be attained by a review of its history, philosophy, and development. Modern criminal law is the result of a long evolution of laws that have attempted to deal with and define deviant behavior in society.

### **CODE OF HAMMURABI**

The Code of Hammurabi is considered one of the first known attempts to establish a written code of conduct. King Hammurabi ruled Babylon at approximately 2000 B.C. He was the sixth king of the First Dynasty of Babylonia for about 55 years. During that period of time, Babylon was a commercial center for most of the known and civilized world. Since its fortune lay in trade and other business ventures, the Code of Hammurabi provided a basis for order and certainty essential for commerce. The Code established rules regarding theft, sexual relationships, interpersonal violence, and other issues. It was intended to replace blood feuds with a system sanctioned by the state.

The Code of Hammurabi was divided into five sections:

1. A penal or code of laws.
2. A manual of instruction for judges, police officers, and witnesses.
3. A handbook of rights and duties of husbands, wives, and children.
4. A set of regulations establishing wages and prices.
5. A code of ethics for merchants, doctors, and officials (Masters and Roberson, 1985).

The code established certain obligations and objectives for the citizens of Babylon to follow. These included:

- *An assertion of the power of the state.* This was the beginning of state-administered punishment. The blood feuds that had occurred previously between private citizens were barred under the code.
- *Protection of the weaker from the stronger.* Widows were to be protected from those who might exploit them, elder parents were protected from sons who would disown them, and lesser officials were protected from higher ones.
- *Restoration of equity between the offender and the victim.* The victim was to be made as whole as possible and, in turn, he or she was required to forgive vengeance against the offender.

Of noteworthy importance in the code was its concern for the rights of victims. In reality, this code may have been the first "victims' rights statute" in history. Unfortunately, as will be seen, society began to neglect victims in its rush to punish the offender, with the result that victims' rights would not resurface until the present century (Gordon 1957).

## **THE BIBLE**

It is unclear when the fifth book of the Old Testament, Deuteronomy, was written, and indeed, as "oral history," the very first version was not written at all. Scholars believe that the first five chapters of the Old Testament that record Mosaic Law were transcribed during the Jews' Exile in Babylon during the 5th and 6th century B.C. (Romer 1988, 111). In any event, Deuteronomy instructs that with respect to certain crimes, the penalty shall be ". . . eye for eye, tooth for tooth, hand for hand, foot for foot" (Chapter 19, Verse 15). Because the rabbinic tradition taught that this penalty was not to be interpreted literally and that what the Biblical instruction really meant was that a victim of an assault or other crime should receive from the criminal the *value* of an eye, or the *value* of a foot, arguably Deuteronomy presents the first more formalized scheme of victim restitution since the Code of Hammurabi.

## **EARLY ROMAN LAW**

Another important influence in the development of American law was early Roman law. Roman law was derived from the Twelve Tables, written about 450 B.C. These tables were a collection of basic rules relating to conduct of family, religious and economic life. Early Roman legions conquered England in the middle of the first century. Roman law, customs, and language were forced upon the English people during the next three centuries of Roman rule.

In the 6th century A.D., Emperor Justinian I codified what had evolved as Roman law over several hundred years into a set of writings. The Justinian Code, as these writings became known, distinguished between two major types of laws:

- *Public laws*: Dealt with the organization and administration of the Republic.
- *Private laws*: Addressed issues such as contracts, possession and other property rights, the legal status of various persons such as slaves, husbands and wives, and injuries to citizens.

It contained elements of both our civil and criminal law and influenced Western legal theory into the Middle Ages.

## **THE LEGAL SYSTEM IN ENGLAND**

Prior to the Norman conquest of 1066 A.D., the legal system in England was very decentralized. There was little written law except for crimes against society. As a society, England had forgotten or moved away from the teaching of the Code of Hammurabi, and crimes during this period were again viewed as personal wrongs. Compensation was paid to the victim or his/her family for the offense. If the perpetrator failed to make payments, the victim's family could seek revenge resulting in a blood feud. For the most part during this period, criminal law was designed to provide equity to what was considered a private dispute.

The Norman Conquest under William the Conqueror established royal administrators who rode circuit to render justice. These royal judges would use local custom and rules of conduct as a guide in rendering their judgments. This system, known as *stare decisis* (Latin for the phrase "to stand by the decided law"), would have far reaching effects on modern American criminal law.

## **COMMON LAW**

The next major development in the history of law was the acknowledgment of the existence of Common Law. Early English Common Law forms the basis for much of our present day legal system. Common Law is a traditional body of then unwritten legal precedents created by court decisions (as distinguished from statutory law written by a Congress or other legislative body) during the Middle Ages in England. During this period of time when cases were heard, judges would start their deliberations from past decisions that were as closely related as possible to the case under consideration. In the eleventh century, King Edward the Confessor proclaimed that Common Law was the law of the land. Court decisions were finally recorded and made available to lawyers who could then use them to plead their cases. This concept is one of the most important aspects of today's modern American law.

## THE MAGNA CARTA AND U.S. CONSTITUTION

The Magna Carta of England and the U.S. Constitution both stand as great documents and moments in the history of American law. The Magna Carta was signed on June 15, 1215 and was later interpreted to grant basic liberties to all British citizens. The U.S. Constitution established certain individual rights, defined the power of the federal government, and--among other things--limited punishment for violation of laws.

American law combines both Common Law and written statutes.

- Statutory laws are enacted by state legislatures and Congress, and are the major sources of American criminal law today.
- These laws are usually compiled in various codes, and are subject to revision by the legislatures and Congress.

An offshoot of written law, administrative law is comprised of rules and regulations adopted by governmental agencies at the federal, state and local levels. Many governmental agencies are invested with the power to pass regulations that prohibit certain types of conduct. Some of these regulations provide for fines rather than imprisonment of the offender.

***Constitutional law.*** Constitutional law is at the foundation of American criminal law. The Constitution does not define new crimes (the only crime defined in the Constitution is treason); rather, it sets limits on other laws as they apply to individuals. An example of this principle is the U.S. Supreme Court's ruling that flag burning, which was proscribed as criminal conduct by a state statute, is protected under the First Amendment right to freedom of expression.

### The Purpose of Law

Max Weber, an acclaimed sociologist during the early twentieth century, stated that the primary purpose of law is to regulate the flow of human interaction (Rheinstein 1954).

Dr. Weber, who is famous for a number of modern day concepts including the concept of bureaucracy, believed that laws make the behavior of others predictable (Wallace, Roberson, and Steckler 1994). Thus, one of the accepted purposes of law is to support social order.

Laws also serve other purposes including:

- Banishing private retribution.
- Reflecting public opinion.

- Deterring criminal acts.
- Punishing offenders.
- Providing socioeconomic control (Siegel 1989).

Banishing retribution occurs because laws replace the power of individuals to carry out revenge against the perpetrator. The law shifts the burden and responsibility of making the victim whole from the individual to the state. Laws reflect public opinion by defining the boundaries between current concepts of illegal behavior and allowing individuals to guide their conduct according to these written requirements. Some argue that laws deter potential law violators. The threat of punishment is sufficient to prevent individuals from committing the prohibited act. Punishment of offenders occurs when laws grant the government the ability or power to sanction wrongdoers. Finally, socioeconomic control occurs when laws support and maintain the social and economic systems they serve.

Roscoe Pound, one of the great legal scholars of modern times, believed that law was a type of social engineering (1968). The law was a *tool* that met the needs of men and women living and working together in society. Pound believed that law must change with the advent of new ideas. He articulated a series of *Jural Postulates* that were propositions setting forth the basis of all law because they reflected the shared needs of society.

It is against this legal framework and amidst tremendous societal as well as political upheaval and transition that the victims' movement began to take hold in this country nearly three decades ago.

### **History and Overview of the Victims' Rights Discipline**

Today's view of violent crime and victimization is quite different than thirty years ago. The nation's emotional and legal reaction to criminals has changed dramatically. Why have our personal and political responses changed during this period? The remaining portion of this chapter will focus on the historical development of the victims' rights discipline and the reasons for the public's more recently altered perceptions of criminals and crime statistics.

In the last three decades, the victims' rights discipline has emerged as a powerful source of social, legal, and political change. There are four somewhat diverse movements that pre-dated the victims' rights discipline and set the stage for its emergence. The history of the victims' rights discipline can be divided into five distinct stages along with corresponding legal changes, victim involvement and services, changes in service providers' attitudes, and new theoretical concepts. This description is--by necessity--not inclusive of all historical facts; rather, it is included to acquaint the reader with the *zeitgeist*, or spirit, of each stage of the victims' rights discipline.

There were four movements that strategically opened the way for the victims' rights discipline:

- Civil Rights Movement (1963-72).
- Anti-war Movement (1967-72).
- Women's Movement (1970-Present).
- "Law and Order" Movement (1968-Present).

## **CIVIL RIGHTS MOVEMENT**

Dr. Martin Luther King, Jr. and other leaders of the Civil Rights Movement changed this country's view of civil disobedience, clarified that *all* Americans have rights under the U.S. Constitution, and focused on forging change through nonviolent means. Even though this country has had a long history of civil disobedience dating back to the Boston Tea Party and continued by 19th century literary figures (Thoreau, Whitman, etc.), this approach diminished as a result of 20th century patriotism engendered by two world wars.

Civil disobedience was not new in 1963, but re-emerged and was applied to a new group: American minorities. The Civil Rights Movement enabled society's disenfranchised minorities to exert power over American governmental and private institutions and demand equal rights and equal access to society's opportunities.

## **THE ANTI-WAR MOVEMENT**

The Anti-war Movement focused on America's propensity towards violence, the influence and predilections of governmental/military bureaucracy, and expressed a distrust in authority that is still evident today. This movement, through its well orchestrated marches in cities across America, showed that grassroots politics could influence and even overpower establishment politics. More importantly, the movement raised questions not only about governmental decision-making but also about the moral implications of these decisions.

This movement increasingly empowered citizens and even young people to speak out and take a public stand for what they believed was right. It was a crucial step in a new awakening to the power of grassroots organization and influence.

## **THE WOMEN'S MOVEMENT**

The Women's Movement focused on American family values, traditional male/female roles, sexism in bureaucracy (including, very importantly, the criminal justice system), and economic discrepancies between men and women.

This has been considered the most significant precursor of the victims' movement (Karmen 1990). The victimization of women and the bureaucratic facilitation of this violence in all areas of society were clarified and politicized. The long overdue fact that women were entitled to equal social, political, and economic opportunity and power became a national focus. A direct result of this increase in women's power and attention to women's issues was the formation of rape crisis centers and domestic violence shelters in the early 1970s.

## **THE "LAW AND ORDER" MOVEMENT**

The "Law and Order" Movement predated the victims' movement, but an alliance developed between its supporters and some victim advocates ten years later to press for stiffer punishment of offenders. Since the emergence of this movement in the 1960s, there has been a focus upon increasing the rights of the common person to achieve parity with the rights of the criminal. However, supporters of this movement from all segments of society insisted the common citizen could manage his or her own protection, and "justice" should be accomplished without expanding governmental assistance and monetary support (Karmen 1990). Supporters felt that criminals should be punished more; potential victims should be more careful; and victims, once victimized, should be self-sufficient.

By the early 1980s, a shift developed placing more emphasis on victims' needs. The support for increased offender accountability and a "back to the basics" constitutional approach produced new emphasis on restitution and individual rights. The "Law and Order" Movement has been particularly influential in the fourth and fifth stages of the victims' rights discipline.

The following section gives an overview outline of the stages of the victims' rights discipline with critical events in the history of this movement.

### **Historical Stages of the Victims' Rights Discipline**

#### **Stage One: Response to Crime (1972-1976)**

- First Crime Victims' Compensation Program (1965)
- National Commissions and the Law Enforcement Assistance Administration (LEAA)
- National Crime (Victimization) Survey
- Grassroots Programs
- National Organization for Victim Assistance (NOVA)
- First Victim Impact Statement

## Stage Two: Polarization and Unstable Funding (1977-1981)

- LEAA Funding
- New Organizations
  - National Coalition Against Sexual Assault (NCASA).
  - National Coalition Against Domestic Violence (NCADV)
  - Parents of Murdered Children (POMC)
  - Mothers Against Drunk Driving (MADD)
  - Victims' Assistance Legal Organization (VALOR)
- President Proclaims "Crime Victims' Week"
- Legislative Developments

## Stage Three: Public Awareness (1982-1986)

- President's Task Force on Victims of Crime
- Federal Victim and Witness Protection Act
- State Legislation
- Victims of Crime Act (VOCA)
- Establishment of the Office for Victims of Crime (OVC)
- National Center for Victims of Crime (NCVC) (formerly National Victim Center)
- New Programs
- Theoretical Concepts Recognized

## Stage Four: Expanding Legislative Agenda (1987-1991)

- Three Major Issues
  - Funding
  - Victims' Rights
  - Law and Order Concerns

## Stage Five: Emerging Professionalism and Advancing Advocacy (1992-Present)

- Professionalism
- Legislative Landmarks



## STAGE ONE: RESPONSE TO CRIME (1972-1976)

Starting in the early 1960s, crime began to steadily rise in the United States, reaching its highest point in 1981. By the early 1970s, the effect on American life was evident. In response, the victims' rights movement began on multiple fronts (Young 1986).

In 1965, the first crime victims' compensation program was established in California. However, the major strides of this period were accomplished by the energy of volunteers, many of whom were crime victims themselves and, in many cases, had suffered revictimization due to less than adequate assistance and services within the criminal justice system.

In 1972, volunteers founded the first three victim assistance programs, all of which still exist today:

- Aid for Victims of Crime, St. Louis, Missouri.
- Bay Area Women Against Rape, San Francisco, California.
- Rape Crisis Center, Washington, DC.

Throughout the 1960s and early 1970s, many state and federal commissions were established to study crime and its consequences. Following these efforts, the federal government took two significant steps to address the problem: the creation of the first government-sponsored victimization survey (*National Crime Survey* 1972 [renamed the *National Crime Victimization Survey* in 1990]) and the Law Enforcement Assistance Administration (LEAA) (Karmen 1990).

- The *National Crime Survey* gathered crime data from individuals and households all across America, an approach that was very different from the FBI's *Uniform Crime Report* (UCR), a compilation of statistics *reported* to law enforcement agencies. The new information made it devastatingly clear that the rates of child abuse, rape, and domestic violence were much higher than imagined.
- The *National Crime Survey* identified actual crime rates that were three or four times higher than the UCR's published "official" rates.
- LEAA monies were used to combat victimization by increasing law enforcement funding and establishing victim-witness programs around the United States. Funds were also used to help educate and increase the sensitivity of police officers in dealing with victims.

By 1974, the first battered women's shelter had also been established in Denver, CO. These first service programs were operated by volunteers using their own funds and donations. Their major focus was to provide victim support utilizing the

approach of self-help groups. Their goals quickly expanded to target insensitive and unfair treatment of victims by the criminal justice system (Young 1986).

Fortunately, several key leaders within the criminal justice system recognized the problems of victims and witnesses and responded (NCVC 1994):

- LEAA created some pilot victim-witness programs (1974).
- James Rowland, Chief Probation Officer in Fresno, California, in 1976, developed the first victim impact statement used by the criminal justice system to clearly ascertain and specify the victims' losses.
- In Fort Lauderdale, Florida and Indianapolis, Indiana, the first law enforcement-based victim-witness programs were established.

In 1975, Frank Carrington's book, *The Victims*, was published, promoting "the proposition that the victim's current sorry status in the criminal justice system *need not be so* and that something can and must be done to enhance the rights of the victim." That same year, LEAA called together leading victim activists to discuss methods of increasing victims' rights.

- The major result of this meeting was the founding of the National Organization for Victim Assistance (NOVA).
- The following year, forty to fifty leaders met in what has been called the first victim assistance conference in Fresno, California (Young 1986).

During this first stage, mental health providers had limited involvement at the grassroots level. However, practitioners working with victims of sexual assault recognized characteristics common to many victims.

- In 1974, Anne Burgess coined the term "rape trauma syndrome." Although not universally accepted until years later, its initial use during this time would later facilitate better services for victims in both the mental health and criminal justice systems.

By the late 1970s, mental health providers became more aware of victim trauma. Research began to show the efficacy of peer support groups; some research indicated that these groups were much more helpful than professionals, often because these professionals had little training in the grieving process and crisis therapy.

As specialized service providers gained new insights into victimization, mental health practitioners began to acknowledge their lack of expertise, and began to listen to advocates and victims. For example, the description of the "battered woman syndrome" was published and provided a theoretical framework for working with victims of domestic violence.

Another very important "movement" that supported the general crime victims' movement was the increased focus upon child abuse and neglect. The "child protection" movement was initially comprised primarily of physicians, social workers, and public-sector personnel concerned with child maltreatment. The attention of child advocates and the Congress to the work of C. Henry Kempe, (the "battered child syndrome," 1962) led to creation of the National Center on Child Abuse and Neglect in the Department of Health, Education, and Welfare (1974).

## **STAGE TWO: POLARIZATION AND UNSTABLE FUNDING (1977-1981)**

During this second stage, it appeared that many of the gains of the victims' movement might be lost. Federal funding began to diminish, and in 1979, LEAA ceased to exist due to lack of congressional support. As is often the case when there is limited funding paired with identified needs, the various community-based and government-based programs began to compete for limited resources (Lurigio, Skogan, and Davis 1990).

The issues of professionalism and training emerged as divisive themes. Despite their common purpose of assisting victims, the contrasting perspectives, purposes, structure, and operation of grassroots victim programs versus criminal justice-based programs increasingly became issues. This was exacerbated by the frequent complaint of victim advocates that the criminal justice system did not adequately support victims of rape and domestic violence. Even today, some of the residual animosity from this period is still evident.

In 1978, sexual assault programs and domestic violence programs created their own national organizations to pursue their specific agendas (Young 1986):

- National Coalition Against Sexual Assault (NCASA).
- National Coalition Against Domestic Violence (NCADV).

During this period, program leaders and administrators debated the strengths and weaknesses of the various programs. Less time and money were directed toward those in need. The focus and direction of the victims' movement were consequently diluted.

Many movements fail (including some of the precursors of the victims' movement) because no "second generation" is trained to continue with the original fervor and energy. Fortunately, this was not true for the victims' movement. In spite of the dissension between the established programs, new grassroots organizations developed. These organizations used the media very effectively. Often led by victims, they directly attacked the indifference of the criminal justice system and the stigmatizing approach of the mental health system.

Two new grassroots programs grew in response to a void in services to underserved victims. The cumulative effect was a new infusion of energy into the movement. These two programs were the following:

- Parents of Murdered Children (POMC) founded by Robert and Charlotte Hullinger (1978).
- Mothers Against Drunk Driving (MADD) founded by Candy Lightner and Cindy Lamb (1980).

Also during this time, in 1979, Frank Carrington founded the Crime Victims' Legal Advocacy Institute, renamed the Victims' Assistance Legal Organization (VALOR) in 1981, to advocate for the legal rights of crime victims.

On the legislative front, crime victim advocates pressed for reforms, and state legislators enacted laws that increasingly supported victims (NCVC 1994):

- In 1977, Oregon passed the first law mandating arrest in domestic violence cases.
- In 1978, Minnesota enacted legislation to allow warrantless arrest in domestic violence cases, whether or not there was a prior protection order.

In 1981, Ronald Reagan became the first president to proclaim "Crime Victims' Week." Later that year, the Attorney General's Task Force on Violent Crime issued its report. The Task Force, which included Frank Carrington, a leading advocate for improved treatment of crime victims, recommended that a separate Task Force be created to consider victims' issues. This became the President's Task Force on Victims of Crime, which issued its report in 1982.

### **STAGE THREE: PUBLIC AWARENESS (1982-1986)**

As the revitalized victims' movement learned to better access the news media, public awareness of victims' issues increased. The 1981 *Uniform Crime Reports* had clearly shown the increase in victimization, and the movement actively used these new statistics for its cause.

- In December of 1982, Ronald Reagan appointed a Task Force on Victims of Crime. Chaired by Lois Haight Herrington, this Task Force published sixty-eight recommendations to improve the treatment of crime victims. The recommendations were directed at all segments of public and private sector, including the criminal justice system. The Report included a recommendation for a constitutional amendment for crime victims' rights.
- Later that year, Congress passed the first law addressing victim-witness issues: the Federal Victim and Witness Protection Act. This Act provided

for witness protection, restitution, and fair treatment for federal victims and witnesses of violent crimes.

Changes at the federal level led to legislative changes at state levels: Victims' Bills of Rights, proposals for training and education, and expansion of existing victim-witness programs. The single greatest event in the victims' movement to date occurred in 1984: the passage of the Victims of Crime Act (VOCA).

- This Act established the Crime Victims Fund to provide funds for local victim assistance programs and state victim compensation and discretionary funding for research and promotion of promising practices in behalf of victims' needs. The fund was made up of money from federal criminal fines, penalties, and bond forfeitures.
- The Office for Victims of Crime (OVC), created in the Department of Justice in 1983 to implement the sixty-eight recommendations of the President's Task Force, was designated as responsible for administering VOCA, including distribution of VOCA funds to states for existing victim programs.

With increased public awareness and high level political support for victims' issues, numerous programs were started and laws passed during this period. The greatest increase in victim-witness programs occurred in this third stage. Some of the highlights of this stage were the following:

- National Conference of the Judiciary on Victims of Crime (1983).
- Missing Children's Assistance Act, which included the establishment of the National Center for Missing and Exploited Children by Congress (1984).
- Attorney General's Task Force on Family Violence (1984).
- Family Violence Prevention and Services Act (1984).
- National Center for Victims of Crime (formerly National Victim Center) (1985).
- NOVA Constitutional Amendment Meeting (1986).
- President's Child Safety Partnership (1987).

While "second generation" grassroots organizations feared that increased governmental involvement and new competition for funding of victims' programs would lead to dissension as in previous years, these fears were not realized.

In addition, during this stage, theoretical concepts were put to more practical use in both the criminal justice and mental health systems.

- The concept of "second victimization"--that often the victim was harmed as much by the system's response as by the crime itself--became generally recognized.
- The various syndromes identified earlier were being discussed within the context of a diagnosis of post-traumatic stress disorder (PTSD). With the identification of PTSD, a general diagnosis was now developed that did *not* stigmatize the victim, but clarified and legitimized the victim's normal response to an abnormal situation. (This diagnosis was recognized by the field of psychiatry and formalized with the 1987 publication of DSM-III-R, a comprehensive definitional and diagnostic manual for mental health professionals.)

In addition, better training in trauma and crisis intervention enabled mental health professionals to learn about victims' issues. Mental health professionals also began to provide better supportive services. Peer support groups began to be seen as a necessary adjunct to successful individual therapy.

During this period, the victims' movement came of age and was more focused and sophisticated (Andrews 1992). The first ten years were initiated and perpetuated by strong leaders with forthright personalities. During this period an important paradigm shift was taking place. The movement had expanded beyond the dynamics of individual-level politics to group-level national politics, resulting in necessary change for growth into a more formalized discipline in the next period.

#### **STAGE FOUR: EXPANDING LEGISLATIVE AGENDA (1987-1991)**

In this stage and the next, three major issues emerged:

- Victim service funding.
- Victims' rights.
- Law and order concerns.

The growing sophistication of the victims' movement noted earlier enabled advocates to exert power and influence on several fronts. Political efforts during this time were much more organized and presented a clear and cohesive agenda. This agenda addressed funding, victims' rights, and law and order concerns:

- Increasing the cap on VOCA funding to provide expanded and more stable funding for both crime victim compensation and victim assistance programs.

- Promoting a common sense interpretation of the Bill of Rights as it pertains to due process rights of criminals.
- Expanding victims' rights through more extensive and more effective state legislation.
- Adopting crime victims' rights constitutional amendments in state constitutions.

Successful results of this agenda include the following:

- In 1988, VOCA was reauthorized and the Office for Victims of Crime was established. Crime victim compensation was expanded to include victims of both domestic violence and drunk driving.
- As of 1995, all fifty states and the District of Columbia had enacted crime victim compensation programs.
- As of 1999, thirty-one states had passed constitutional amendments.
- As of 1995, forty-eight states had passed victims' rights legislation in the form of Victims' Bills of Rights for a series of statutory protections that essentially mirror a unified Victims' Bill of Rights statute.
- Congress also passed major legislation that addresses hate crimes, campus security, child protection, violence against women, sexual assault, kidnapping, and gun control; and the U.S. Supreme Court has upheld the use of victim impact statements in capital cases.

This legislative agenda continues to grow and expand. The recent serious congressional consideration of a constitutional victim rights' amendment exemplifies this. Activities and issues in this stage continued into the next stage.

## **STAGE FIVE: EMERGING PROFESSIONALISM AND ADVANCING ADVOCACY (1992-PRESENT)**

***Professionalism.*** The most salient issue in recent years is the emerging professionalism in the field of victim services. As with other grassroots movements, there is fear of "professionalizing" a community-based service system that originated and developed its strength through the dedication of volunteers who extended themselves personally to victims in need. Most of the victim service programs, however, have not diluted their passion and are led by dedicated professionals who have years of experience working with victims in a specialized setting.

The historical distrust of other professionals who have no "specialized" training or experience in victim treatment issues has persisted in many areas. Experience

has made some of these concerns both legitimate and urgent. However, salary issues, increased availability of training, and a growing interest in program evaluation and quality services have increased the discussion in this area:

- Victim service providers work in a very diverse array of settings. Advocates typically perform a variety of tasks that require an understanding of social, psychological, and legal principles and clerical skills.
- The areas of expertise and the training needed are multidisciplinary in nature.
- There is a growing recognition that in order to be accepted by other professionals, certification or some other form of credentialing is necessary.
- Increased professionalization would develop as a result of available professional-level salaries for experienced victim advocates and administrative staff.

The changes in this area have often been small, almost unnoticed, and yet significant. Some states have adopted training guidelines (especially in the areas of rape crisis and domestic violence), and certification initiatives are underway in several states (i.e., California, Connecticut, Kansas, South Carolina, etc.). A handful of community colleges and universities also offer extensive training to victim service providers. A study by Dr. Dana DeHart in South Carolina (1998) indicated the following academic programs for victim advocates:

- *California State University, Fresno*: Victimology major (B.A.), Victim Services Certificate Program, and Victim Services Summer Institute.
- *University of New Haven*: Degree concentrations and Certificate Programs at both graduate (M.S.) and undergraduate (B.S.) levels.
- *Washburn University*: Victim/Survivor Services major and Certificate.
- *Kansas City, Kansas Community College*: A.A. Degree, A.A.S. Degree, and Certificate Program in Victim Services.
- *Red Rocks Community College, Lakewood Colorado*: A.A. Degrees and Certificate Programs in Victim Assistance Services and Victim Services Administration.
- *Sam Houston State University*: Victim Services courses, National Institute for Victim Studies.



In the summer of 1989, California State University-Fresno (CSUF) started the first Victim Services Institute to make its Certification Program available to professionals in other states. By 1990, the number of graduates from this program tripled. By 1991, CSUF developed the first victimology major and, by 1992, the first graduate concentration in victimology.

- Such steps represent the foundation for expanding professionalism of the field.
- Academics, advocates, and criminal justice and allied professionals have worked together as equals to make professional development available to the field of victim advocacy.

Some victimology programs have also developed legal advocacy components in addition to their training, technical assistance, and educational activities such as the Center for the Study of Crime Victims' Rights, Remedies, and Resources of the University of New Haven in Connecticut. This program, part of the School of Public Safety and Professional Studies, provides *Amicus* Briefs in selected appellate cases dealing with victims' rights issues, such as several recent Connecticut Supreme Court cases involving evidence in cases of sexual assault, the criminal liability of negligent parents when children are killed by nonbiological caregivers, and the "constancy of accusation" doctrine in adult and child sexual assault cases.

Academic credit and the development of more degree programs will be necessary for the next phase of the victims' rights discipline to take place. The next step is the development of curriculum standards to be used at the national and state levels. The National Victim Assistance Academy (NVAA) curriculum offers this opportunity. NVAA began in 1995 offering a forty-five-hour core course of work in victim services that can be taken for academic credit; this can currently be done at five sites each summer throughout the United States. This course content is updated annually. It was the basis for the first state-level academy in Michigan in 1998. A multiyear funding strategy for the development of state victim assistance academies was initiated by OVC in 1999.

During this stage, additional significant developments have occurred on the national and state levels with respect to victims' rights constitutional amendments, legislation, expansion of VOCA fund collections, and creation of national programs affecting crime victims.

### ***Advancing Advocacy.***

#### *Victims' rights constitutional amendments*

- In the spring of 1996, bi-partisan federal victims' rights constitutional amendments were introduced in both the U.S. House of Representatives

and the Senate. The amendment was re-introduced in the Senate in the opening days of the 105th Congress in January 1997, but no formal action was taken. Hearings have been held in Congress on the Federal Constitutional Amendment in 1996, 1997, and 1998.

- In April 1996, the Senate Judiciary Committee conducted hearings on the proposed federal constitutional amendment. While not endorsing specific language, Attorney General Janet Reno testified in support of federal constitutional rights for crime victims.
- In June 1996, President Clinton reaffirmed his support of federal constitutional rights for crime victims in a Rose Garden ceremony attended by members of Congress, criminal justice officials, and local, state, and national victims' rights organizations. Also that month, the Judiciary Committee in the U.S. House of Representatives conducted its first hearing on the proposed amendment.
- During the 1996 elections, both presidential candidates endorsed the concept of a federal Victims' Rights Constitutional Amendment. In these elections, eight states ratified the passage of state-level constitutional amendments--raising the total number of state constitutional amendments to twenty-nine nationwide.
- In 1998, Senate Joint Resolution 44, a new version of the federal Victims' Rights Amendment, was introduced in the Senate by Senators Jon Kyl and Dianne Feinstein. The Senate Judiciary Committee subsequently approved SJR 44, but no further action was taken by Congress.
- As of 1999, a total of thirty-one states have ratified crime victims' rights constitutional amendments.
- On January 19, 1999, Senate Joint Resolution 3, identical to SJR 44, was introduced and is now pending before the 106th Congress.

### *Landmark Federal Legislation*

- In 1996, the Congress passed "Megan's Law"--the Community Notification Act--as an amendment to the national Child Sexual Abuse Registry legislation. This new law provides for notification of local communities on the location of convicted sex offenders. President Clinton stated in his 1997 National Crime Victims' Rights Week Proclamation that: "With community notification, we are working to prevent cases like that of the Act's namesake, Megan Kanka, a seven-year-old who died at the hands of a repeat sex offender released into an unsuspecting community."
- In 1996, the Antiterrorism and Effective Death Penalty Act provided one million dollars in funding to strengthen antiterrorism efforts. In addition,

restitution was made mandatory in federal violent crime cases, including domestic violence, sexual exploitation, and telemarketing fraud. In addition, compensation and victim assistance services for victims of terrorism both at home and abroad, including victims in the military, were expanded.

- The Mandatory Victims' Restitution Act, enacted as Title II of the Antiterrorism and Effective Death Penalty Act of 1996, allows federal courts to award "public harm" restitution directly to state VOCA victim assistance programs. As a result of the new sentencing guidelines, judges can require federal offenders in certain drug offense cases to pay "community restitution."
- As a result of the passage of the Antiterrorism Act and Effective Death Penalty Act, the Office for Victims of Crime was able to use its new authority under the Act to provide substantial financial assistance to the victims and survivors of the Oklahoma City bombing.
- The Church Arson Prevention Act was signed into law in July 1996 in response to increasing numbers of acts of arson against religious institutions around the country.
- In 1996, the Drug-induced Rape Prevention Act was enacted to address the emerging issue of the use of sedating drugs by rapists to incapacitate their victims.
- The Interstate Anti-Stalking Punishment and Prevention Act of 1996 was enacted by Congress in September. The law was incorporated as an amendment to the Defense Authorization bill, H.R. 3610. The Anti-Stalking Law created a uniform federal law to protect stalking victims when they travel across a state line and on federal property, including military bases and Indian reservations. The Act makes it a felony to cross a state line to stalk someone in violation of a restraining order.
- The Victims' Rights Clarification Act of 1997 was enacted to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime. The Act passed through Congress at an historic speed as the result of a ruling by the U.S. District Judge presiding over the Oklahoma City bombing case. The ruling would have excluded victims and survivors from observing the trial proceedings in Denver or on closed circuit television in Oklahoma City if they were planning to give victim impact statements during the sentencing phase. A detailed description of the Act is provided at the end of this chapter.
- The Higher Education Amendments of 1998 is passed. Part E of this legislation, "Grants to Combat Violent Crimes Against Women on Campus," is authorized through the year 2003 and appropriates a total of

\$10 million in grant funding to the Violence Against Women Grants Office for fiscal year 1999. Another primary aim of this legislation is to reduce binge drinking and illegal alcohol consumption on college campuses.

- The Child Protection and Sexual Predator Punishment Act of 1998 was enacted, providing for numerous sentencing enhancements and other initiatives addressing sex crimes against children, including crimes facilitated by the use of interstate facilities and the Internet.
- The Crime Victims with Disabilities Act of 1998 is passed, representing the first effort to systematically gather information on the extent of the problem of victimization of individuals with disabilities. This legislation directs the Attorney General to conduct a study on crimes against individuals with developmental disabilities within eighteen months. In addition, the Bureau of Justice Statistics must include statistics on the nature of crimes against individuals with developmental disabilities and victim characteristics in its annual *National Crime Victimization Survey* by 2000.
- The Identity Theft and Deterrence Act of 1998 is signed into law in October 1998. This landmark federal legislation outlaws identity theft and directs the U.S. Sentencing Commission to consider various factors in determining penalties including the number of victims and the value of to any individual victim. The Act further authorizes the Federal Trade Commission to log and acknowledge reports of identity theft, provide information to victims and refer complaints to appropriate consumer reporting and law enforcement agencies.

#### *Federal Crime Victims Fund*

- In 1996, deposits in the federal Crime Victims Fund reached an all-time high of over \$525 million available for state crime victim compensation, local victim assistance programs, national training and technical assistance, and federal victim assistance. As a result of this landmark increase in fund collections, states received more than three times as much in federal funds in 1997 as they had in any previous year.
- In January of 1997, the Office for Victims of Crime hosted a series of regional meetings with state VOCA administrators to encourage states to develop multiyear funding strategies to help stabilize local victim assistance program funding; encourage states to provide funding for programs that serve previously underserved crime victims, such as Indian tribes; and encourage the use of technologies to improve victims' rights and services.
- To fully recognize the sovereignty of Indian Nations, the Office for Victims of Crime, for the first time in 1997, provided victim assistance grants in Indian Country directly to the tribes.

## *Aviation Disasters*

- In September 1996, the President directed the National Safety Transportation Board (NTSB) to coordinate the roles of the Departments of Justice, Defense, State, and other federal agencies with responsibilities for victim services following the tragic explosion of TWA flight 800 and the Valuejet crash in Miami, Florida. Subsequently, Congress passed the Aviation Disaster Family Assistance Act of 1996, establishing the responsibility of NTSB in all domestic aviation disasters as "a point of contact within the federal government for the families of passengers involved in the accident and a liaison between the air carrier . . . and the families." (*Title VII of Public Law 104-264. Cong. Rec. H11303*)
- The Attorney General designated OVC as the lead agency within DOJ to work with NTSB on a coordinated government protocol for aviation disasters. In conjunction with other DOJ components, including the FBI, OVC developed a Memorandum of Understanding (MOU) to ensure that the needs of victims and their survivors are addressed in a sensitive and appropriate manner in the event of an aviation disaster resulting from criminal activity. It was signed by the Attorney General and the NTSB Chair and became effective on January 28, 1997. It is the first step in developing a coordinated government response to aviation disasters.

## *Other Significant Developments*

### **1996**

- In February 1996, the National Domestic Violence Hotline (1-800-799-SAFE) was established to provide crisis intervention information and assistance to victims of domestic violence. The new hotline was cited in the *President's 1997 National Crime Victims' Rights Week Proclamation* as having already responded to more than 73,000 calls for assistance from around the country.
- The Office for Victims of Crime launched a number of international crime victim initiatives in 1996 including working to foster worldwide implementation of a United Nations declaration on victims' rights and initiatives to better assist Americans who are victimized abroad.
- The Office for Juvenile Justice and Delinquency Prevention (OJJDP) within the U.S. Department of Justice issued the *Juvenile Justice Action Plan* that includes recommendations for victims' rights and services for victims of juvenile offenders within the juvenile justice system.

## 1997

- As stated in the *President's 1997 National Crime Victims' Rights Week Proclamation*, as of April 1997, the *Brady Bill* has prevented over 225,000 felons, fugitives, and stalkers from buying handguns.
- The Federal Crime Victims Fund reached its second highest year in fund collections with deposits totaling \$363 million.
- OVC continued its support of the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City by funding additional advocates, crisis counseling, and travel expenses to court proceedings for the bombing victims. When the venue of the trial was changed to Denver, Colorado, OVC provided funding for a special closed circuit broadcast to victims and survivors in Oklahoma City.
- OVC representatives joined the United States Delegation to the United Nations Commission on Criminal Justice and Crime Prevention. OVC played a leadership role in the development of an International Victim Assistance Training Manual to implement the *U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.
- The National Center for Victims of Crime (formerly National Victim Center) utilized its extensive legislative database to create the *Legislative Sourcebook*, a comprehensive compendium of victims' rights laws in all 50 states and the District of Columbia. Developed with support from OVC, the *Sourcebook* became the definitive digest of state crime victims' rights legislation for the nation.
- A comprehensive national training for VOCA Compensation and Assistance programs is hosted by the National Association of Crime Victim Compensation Boards and the National Organization for Victim Assistance with support from OVC. VOCA representatives from *all* fifty states and every territory attended the conference.
- During National Crime Victims' Rights Week, OVC officially launched its homepage <http://www.ojp.usdoj.gov/ovc/> providing Internet access to its comprehensive resources on victims' rights and services.
- The Victims' Rights Clarification Act of 1997 was passed, in response to a federal ruling that excluded victims and survivors of the Murrah federal building bombing from observing the proceedings in Denver or on closed-circuit television in Oklahoma City, if they were planning to give victim impact testimony during the sentencing phase of the case.

Specifically, the Act amends Chapter 223 of Title 18 of the United States Code by adding the following new language in Section 3510--*Rights of Victims to Attend and Observe the Trial*:

- *Noncapital cases*: "Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, make a statement or present any information in relation to the sentence.
- *Capital cases*: "Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required under section 3593(a).
- *Clarification of grounds for exclusion*: Section 3593(c) of title 18, United States Code, is amended by inserting "For the purposes of the preceding sentence, the fact that the victim, as defined in 3510, attended or observed the trial shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury."

(Title 18, Chapter 223, United States Code, as amended by the Victims Rights Clarification Act of 1997. See Section 3510: Rights of Victims to Attend and Observe Trial.)

## 1998

- On May 29, 1998, *New Directions from the Field: Victims Rights and Services for the 21st Century* was released to the field. The report was developed with support from OVC and input from over 1000 individuals across the nation. It assessed the nation's progress in meeting the recommendations set forth in the *Final Report* of the 1982 President's Task Force on Victims of Crime and issued over 250 new recommendations from the field for the next millennium. OVC printed 30,000 copies of this report and disseminated it widely across the nation.
- The fourth National Victim Assistance Academy (NVAA), sponsored and funded by OVC, is held at four university sites around the country. The number of NVAA graduates through 1998 totals nearly 700 students from all fifty states, one American territory, and three foreign countries have attended the Academy.

## **Updates on Significant Legislation**

### **VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT**

Introduced as Senate Joint Resolution 3 (SJR 3) before the 106th Congress on January 19, 1999, the most recent version of the federal victims rights constitutional amendment gave victims of violent crime the right to notice in order to attend proceedings arising out of the crime; to speak or submit statements at public hearings in the case, including parole or other early release hearings; to notice if those convicted in their cases are released or escape; and to restitution.

In April 2000, the Federal Victims' Rights Constitutional Amendment (SJR 3) was addressed for the first time by the full U.S. Senate. On April 27, 2000, following two-and-a-half days of debate, SJR 3 was withdrawn for further consideration by its sponsors, Senators Kyl (R-AZ) and Feinstein (D-CA) when it became apparent that the measure would not receive a two-thirds majority vote for approval.

### **THE VIOLENCE AGAINST WOMEN ACT OF 1994**

A key provision of the Violence Against Women Act allowing female victims to bring a civil action for damages against their attackers in federal court was narrowly struck down May 15, 2000, by the U.S. Supreme Court. The 5-4 ruling dismissed the case of Christy Brzonkala, a former Virginia Polytechnic Institute student, who was the first person to sue in federal court under the 1994 VAWA Act. The Court majority ruled that Congress, in enacting the civil remedies provision, had overstepped its authority to regulate interstate commerce and enforce the equal protection guarantee of the U.S. Constitution. In so doing, the justices rejected the argument that states are not doing enough to protect rape victims and that gender-based violence restricts women's choices in jobs and travel ([www.findlaw.com/casecode/supreme.html](http://www.findlaw.com/casecode/supreme.html), 2000).

### **History of Victim Services in South Carolina\***

Since the 1970's, many players have been involved in providing services to victims. This fact makes South Carolina unique. Public and private agencies share responsibility by doing certain roles. When each role is examined, the rich history of concern for victims' rights and services comes through very clearly.

The South Carolina General Assembly voiced its support by passing laws to correct an unresponsive criminal justice system. During the last 22 years, several pieces of legislation stand out as the building blocks for a better service system for victims.

On June 9, 1982, the South Carolina Crime Victims' Compensation Fund was placed in the State Workers' Compensation Fund. The main role was to repay



money to innocent victims of crime who suffered personal injury. The victim's fund started operation on January 1, 1983. It took four years before money paid to crime victims passed the million-dollar mark.

The second law, the Victim's and Witness's Bill of Rights, was signed into law in 1984. The law provided many rights and services including:

### **Victims Rights**

- Victims and witnesses have a right to be treated with dignity and compassion.
- Victims and witnesses have a right to protection from intimidation and harm.
- Victims and witnesses have a right to be informed concerning the criminal justice process.
- Victims and witnesses have a right to reparations.
- Victims and witnesses have a right to the preservation of property and employment.
- Victims and witnesses have a right to due process to criminal court proceedings.
- Victims and witnesses who are very young, elderly, who are handicapped or who have special needs, have a right to special recognition and attention by all criminal justice, medical, and social service agencies.

### **Victim and Witness Assistance Units**

The legislature made available \$350,000 for victim assistance programs to cover all sixteen judicial circuits. Beginning in 1985, each solicitor was to start a program to keep victims informed of their rights, to allow input into the handling of their case, and to provide general assistance. Most of these early solicitor based programs were grant funded.

### **Victim Impact Statements**

The Attorney General's Office developed a Victim Impact Statement form that allowed victims to inform the court of the impact the crime had on their lives. The South Carolina Sentencing Guidelines Commission stated rules for general sessions for general session's court judges to use when considering the statement. The Victim Impact Statement is a way for a victim to have direct input prior to sentencing in court. Many judges use the Victim Impact Statement to determine appropriate sentencing.

### **Medical Exams of Sexual Assault Victims**

This program was designed to help medical personnel collect evidence in sexual assault cases. This service is paid for the victim in a sexual assault case.

## **Selective Historical Dates**

**1974** People Against Rape was established in February in Charleston by Cathy Barto, Dorothy Fairey, Dean Kilpatrick, Ann Lees, Debbie Morelli, Jean Selander and Alma Dell Smith. The Rape Crisis Council of Greenville was founded by Jayne Crisp. PAR starts Speakers Bureau in July, provides 24 hour counseling and advocacy services for rape victims in Charleston County emergency room in September, and provides training to volunteers, police, solicitors and hospital personnel.

**January 16, 1975** The first Law Enforcement Training on Sexual Assault was held in Greenville. The Rape Crisis Council of Greenville and the Appalachian Council of Government co-sponsored the training.

**November 1975** Representative Carolyn Frederick drafted the first sexual assault legislation. The bill was introduced by Senator Dewey Wise. The measure corrected injustices in the rules of evidence in rape trials. It also redefined rape as an act that could be committed against either sex.

**1975** National Organization for Victim Assistance (NOVA) founded to expand victims' rights & services

**February 13, 1976** The South Carolina Committee on Sexual Assault (now South Carolina Coalition Against Domestic Violence and Sexual Assault, SCCADVSA) held its second planning meeting. Presenters were Pat Weel, Carl Chase, Jr. of the Criminal Justice Academy, and Jayne Crisp.

**November 8, 1976** First Statewide Conference on Rape held. The conference was sponsored by the State Human Affairs Commission in Columbia. Conference leadership met to establish the South Carolina Committee on Sexual Assault. It was recommended to Governor James Edwards that a study be done to identify better ways to respond to rape victims.

**April 1, 1977** **National** Crime Victims Research and Treatment Center established at the Medical University of South Carolina.

**1977** The National Association of Crime Victim Compensation Boards is established

**March 1978** First Victim Witness Assistance Program established as part of the solicitor based criminal justice system by Solicitor William W. Wilkins, Jr. This was possible with a \$10,000 grant from the Law Enforcement Assistance Administration which was secured with the help of Senator Strom Thurmond. Jayne Crisp was hired to develop and coordinate the program.

**1978** The National Coalition Against Domestic Violence is formed & initiates the introduction of the Family Violence Prevention & Services Act in U.S. Congress.

**1979** Crime Victims' Legal Advocacy Institute founded by Frank Carrington – later renamed the Victims' Assistance Legal Organization (VALOR) to promote victims' rights in the civil & criminal justice systems

**1980** Mothers Against Drunk Driving (MADD) founded & Parental Kidnapping Prevention Act passed by U.S. Congress.

**April 1981** President Ronald Reagan proclaims the First "Crime Victims' Rights Week" in

**June 1981** First Southeastern Conference on Victim Assistance held in Greenville. It was sponsored by the Victims Witness Assistance Program of the Thirteenth Circuit Solicitor's Office. Solicitor William B. Traxler hosted 300 people from eight southern states.

**1982** President Reagan appoints the Task Force on Victims of Crime – Final Report offers 68 recommendations to improve the treatment of crime victims, including an amendment to the 6th Amendment of the U.S. Constitution to guarantee victims' rights to be present & heard at critical stages of judicial proceedings

The Federal Victim & Witness Protection Act is passed

The Missing Children's Act is passed by Congress to help find missing children through FBI National Crime Information Center (NCIC) computer system

**1982** The State Victim's Compensation Fund established. The fund created a pool of fines and assessments to be collected from those convicted of a crime. This pool of fines is used to repay victims for injuries resulting from crime. Senator Nick Theodore sponsored the legislation. While Director of Public Safety, Mr. Ritchie Tidwell recommended that then Governor Richard Riley appoint a Task Force on Victims of Crime. Mr. Tidwell and staff orchestrated hearings and testimony on victim issues and developed a crime victim's Bill of Rights, which was enacted into law, along with the first funding to support solicitor-based victim advocates and funding to cover the costs of sexual assault exams. Following the passage of the law, Mr. Tidwell coordinated efforts with other state level victim advocates to create a state level victim advocacy organization named the South Carolina Victim Assistance Network.

**1982** MADD of South Carolina started its first chapters in Aiken, Spartanburg and Lexington counties. First law making it a felony to kill someone while under the influence was enacted.

**January 1, 1983** The State Victims' Compensation Fund began operation. Governor Richard W. Riley established the first South Carolina Task Force on Victims of Crime. Task Force recommended the General Assembly enact a crime victims' bill of rights.

**1983** The Office for Victims of Crime (OVC) was created by U.S. Department of Justice to implement recommendations from the President's task Force

The U.S. Attorney General established a Task Force on Family Violence

President Reagan honors crime victims in First White House Rose Garden ceremony

First National Conference of the Judiciary on Victims of Crime held at National Judicial College in Reno

International Association of Chiefs of Police adopts Crime Victims' Bill of Rights

**1984** In Washington, D.C., Congress passed the Victims of Crime Act (VOCA) co-sponsored by Senator Strom Thurmond. Among other items, the Act provides money from fines and assessments paid by those convicted of a federal crime. These funds were available to states to establish more victim service agencies. Only those states that had an established Victims Compensation Fund were eligible for the money.

**1984** State Victim's and Witness's Bill of Rights enacted to ensure services for victims. Crime Victims Compensation expanded to cover additional types of injuries, including payment for rape exams.

**1984** President Reagan signs Justice Assistance Act which establishes financial & support assistance to state & local governments

The National Minimum Drinking Age Act is enacted

The National Center for Missing & Exploited Children is created

The Spiritual Dimension in Victim Services is founded to involve faith communities in victim services

U.S. Congress passes the Family Violence Prevention & Services Act to fund domestic violence programs

The ad hoc committee on the constitutional amendment formalizes plans to secure passage of state amendments

Concerns of Police Survivors (COPS) is organized for survivors of officers killed in the line of duty

First National Symposium on Sexual Assault is co-sponsored by OVC & FBI to create awareness on federal level for needs of rape & sexual assault victims

A victim/witness notification system is established within the Federal Bureau of Prisons

Victim/witness coordinator positions are established in the U.S. Attorney's offices  
OVC establishes the Office for Victims of Crime Resource Center

**1985** South Carolina Victims Assistance Network was incorporated as a private non-profit organization in response to § 16-3-1410 (F).

**1985** The National Center for Victims of Crime is founded (originally named to honor Sunny von Bulow) to promote the rights & needs of crime victims

The United Nations General Assembly passes the International Declaration on the Rights of Victims of Crime & the Abuse of Power

The Federal Crime Victims Fund deposits total \$68 million

**1986** The Victim's and Witness's Bill of Rights was recognized by the Southern Legislative Conference of The Council of State Governments. "South Carolina's Bill of Rights may be seen as a result of the intensive efforts on the part of the governor's office staff and legislators to legally mandated implementation of such a victim's rights program." (The Council of State Governments, *Fair Treatment for Victims of Crime: South Carolina's Victim's Bill of Rights*, 1987, Keon S. Chi).

**1986** NOVA convenes a forum to refine a national plan to secure state constitutional amendments for crime victims

The Federal Crime Victims Fund deposits total \$62 million

Victim compensation programs have been established in 35 states

**1987** The National Victims' Constitutional Amendment Network (NVCAN) & Steering Committee are formed

The Federal Crime Victims Fund deposits total \$77 million

Security on Campus, Inc. is established to raise awareness about crime & victimization on our nation's campuses

The American Correctional Association establishes a Task Force on Victims of Crime National Domestic Violence Awareness Month is designated to commemorate battered women

**1988** Constitutional Amendments are introduced in Arizona, California, Connecticut, Delaware, Michigan, South Carolina & Washington; Florida & Michigan amendments are passed

VOCA amendments legislatively establish the Office for Victims of Crime, induce state compensation programs to cover victims of domestic violence, homicide & drunk driving & new priority category for funding victim assistance to include previously underserved victims of violent crime

The Federal Crime Victims Fund deposits total \$93 million

The National Aging Resource Senate in Elder Abuse is established

OVC sets aside funds for the Victim Assistance in Indian Country grant program

The Federal Drunk Driving Prevention Act is passed raising the minimum drinking age to 21

OVC establishes a Federal Emergency Fund for victims in the federal criminal justice system

**1989** The State Victims' Compensation Fund officially became the State Office of Victim Assistance. The National Crime Victims Research and Treatment Center releases *Victim Rights and Services in South Carolina: The Dream, the Law, the Reality* report that found victims rights laws were not being implemented and made recommended changes and increased accountability.

**1989** The Federal Crime Victims Fund deposits total \$133 million  
The U.S. Supreme Court reaffirms in *South Carolina v Gathers* that victim impact statements violate the 8th amendment when applied to the penalty phase in capital cases

**1990** The Law Enforcement based Victim Advocates form an organization (LEVA) with approximately 15 members.

**1990** Congress passes the Hate Crime Statistics Act requiring collection of data for crimes motivated by racial, religious, ethnic or sexual orientation prejudice

The Student Right-to-Know & Campus Security Act is passed requiring institutions of higher learning to disclose crime information

The Federal Crime Victims Fund deposits total \$146 million

The National Child Search Assistance Act requires law enforcement to enter missing children reports in NCIC computer

The Victims' Rights & Restitution Act incorporates a Bill of Rights for federal crime victims & codifies services that should be available to them

Congress passes legislation proposed by MADD to prevent drunk drivers & other offenders from filing bankruptcy to avoid paying restitution or civil fines

The Victims of Child Abuse Act of 1980 is passed & requires reforms to make the federal system less traumatic for child victims & witnesses

**1991** The U.S Supreme Court in *Payne v Tennessee* reverses its earlier decisions & rules that testimony & prosecutorial arguments on the victim's good character & victim impact statements do not violate the defendant's constitutional rights

U.S. Representative Ilona Ros-Lehtinen files the First Congressional Joint Resolution to place victims' rights in the constitution

The Federal Crime Victims Fund deposits total \$128 million

The U.S. Attorney general issues comprehensive guidelines for the treatment of federal crime victims

The American Probation & Parole Association establishes a Victim issues Committee addressing concerns related to community corrections

The International Parental Child Kidnapping Act makes the unlawful removing of a child outside the U.S. a federal felony

OVC provides funding for the National Victim Center for Civil Legal Remedies for crime victims

The U.S. Supreme Court rules in *Simon & Schuster v New York Crime Victims Board* that New York's notoriety-for-profit statute was overly broad & unconstitutional

**1992** The Federal Crime Victims Fund deposits total \$221 million

The Battered Women's Testimony Act, which urges states to accept expert testimony in cases involving battered women is passed

28 states pass anti-stalking legislation

The U.S. Congress re-authorizes the Higher Education Bill which includes the campus Sexual Assault Victims Bill of Rights

The Association of Paroling Authorities, International establishes a Victim issues Committee

**1992** SCVAN formed a Task Force to study the enactment of a Constitutional Amendment for crime victims in SC. First language introduced by Rep. Sandi Wofford of Georgetown.

**1993** President Clinton signs the "Brady Bill" requiring a waiting period for handgun purchases

Congress passes the Child Sexual Abuse Registry Act, establishing a national repository for information about child sex offenders

22 states pass anti-stalking statutes bringing the total number to 50 plus the District of Columbia

The Federal Crime Victims Fund deposits total \$144 million

**1993** The State Office of Victims' Services (SOVA) was put directly under the Governor's Office. The National Crime Victims Research and Treatment Center, SCVAN, and SOVA released the South Carolina Speaks Out: Attitudes About Crime and Violence Report that documented widespread public support for improved crime victims' rights and services including a constitutional amendment.

**1994** Kentucky becomes the first state to institute automated telephone voice notification to crime victims of their offender's release status

President Clinton signs a comprehensive package of federal victims' rights legislation as part of the Violent Crime Control & Law Enforcement Act that includes:

- Violence Against Women Act
- Enhanced VOCA funding
- Enhanced sentences for drunk drivers with child passengers
- Establishment of a National Child Sex Offender Registry

The American Correctional Association Victims Committee publishes Report & Recommendations on Victims of Juvenile Crime

The Federal Crime Victim Fund deposits total \$185 million

OVC establishes the Community Crisis Response Program to improve services to communities experiencing multiple victimizations

**April 1995** Governor David M. Beasley published "*Victims of Crime In South Carolina 1995.*"

**1995** The U.S. Department of Justice issues Attorney General Guidelines for victim & witness assistance

The National Victims' Constitutional Amendment Network proposes the first draft of language for a federal constitutional amendment for victims' rights

The first class graduates from the National Victim Assistance Academy in Washington, D.C.



The Federal Crime Victims Fund deposits total \$233 million

**1995** Attorney General Charles Condon forms the Constitutional Amendment Task Force to formulate language for a Crime Victim Bill of Rights to be placed in the SC Constitution.

**1996** The Amendment is placed on the ballot and 89% of the voting public voted to add the Constitutional Amendment for crime victims to the SC Constitution (Amendment # 1).

**1996** The Community Notification Act, “Megan’s Law”, provides notification to communities of the location of convicted sex offenders by amendment to the National Child Sexual Abuse Registry Law  
President Clinton signs the Antiterrorism & Effective Death Penalty Act, providing strengthened antiterrorism efforts, making restitution mandatory in violent crime cases, & expanding compensation & assistance to victims of terrorism at home & abroad

The National Domestic Violence Hotline is established to provide crisis intervention

The Federal Crime Victims Fund deposits total \$ 525 million

The VOCA definition of “crime victim” is expanded to include victims of financial crime, allowing for counseling, advocacy & support services

The Church Arson Prevention Act is signed into law

The Office of Juvenile Justice & Delinquency Prevention issues the Juvenile Justice Action Plan for rights & services to victims of juvenile offenders

The Drug-induced Rape Prevention Act is enacted to address the issue of drug facilitated rape & sexual assault

**1997** A federal anti-stalking law is enacted by Congress

Congress passes the Victims’ Rights Clarification Act to clarify existing federal law allowing victims to attend & provide victim impact during sentencing in both capital & non-capital cases, specifically to address the needs of the Oklahoma City bombing

The Federal Crime Victim Fund reaches its 2nd highest year in funding collections with total deposits of \$363 million

OVC publishes *New Directions from the Field: Victims’ Rights & Services for the 21st Century* & launches its homepage

**1997** Act 141, the enabling legislation for the delineation of services throughout the Criminal Justice System, including the Juvenile Justice System, was enacted. Collections from fines, fees, assessments and surcharges were retained in the jurisdiction in which they were collected to provide direct services to crime victims at the local level. Services began in October of 1997.

Dean Kilpatrick, Ritchie Tidwell, Vickey Cornelison and Christine Byrne at the National Crime Victims Research and Treatment Center released the *Balancing*

*the Scales: A Master Plan for Crime Victim Services in South Carolina* report that projected funding needed in each county to meet Act 141 requirements.

**1998** The Constitutional Amendment becomes law. One of the strongest amendments in the nation: “every victim, every time” including victims of juvenile offenders.

**1998** The Higher Education Amendments of 1998 is passed to address binge drinking & illegal alcohol consumption on college campuses  
The Child Protection & Sexual Predator Punishment Act is enacted, providing sentencing enhancements & addressing sex crimes against children  
The Crime Victims with Disabilities Act is passed to gather information about the extent of individuals with developmental disabilities  
The Identity Theft & Deterrence Act is passed outlaws identity theft & directs the Sentencing Commission to consider factors in determining penalties, to acknowledge reports & to provide victims with information  
The Federal Crime Victim funds deposits total \$324 million

**1999** The Victim Restitution Enforcement Act is introduced requiring mandatory restitution  
Violence Against Women Act II is introduced before Congress  
OVC issues first grants to create State Victim Assistance Academies  
The National Crime Victim Bar association is formed by the National Center for Victims of Crime  
The Federal Crime Victims Fund deposits total \$985 million

**1999** The number of crime victim service providers at the local level grows to over 400 due to the influx of money from Act 141. An attempt to weaken the Constitutional Amendment fails.

**2000** The Violence Against Women Act of 2000 is signed into law by President Clinton

The [Internet Fraud Complaint Center](#) website, is created by the U.S. Department of Justice, FBI, & the National White Collar Crime Center

The Federal Victims’ Rights Constitutional Amendment (SJR 3) is addressed in the full Senate, but later withdrawn because of insufficient votes for approval

The U.S. Congress passes a new national drunk driving limit if 0.08

The Victims of Trafficking & Violence Protection Act (for immigrant victims) is passed

The Federal Crime Victims Fund deposits total \$777 million

**2001** Congress responds to the 9/11 terrorist acts with new laws providing tax relief, compensation, funding for new services & civil claims as part of the Air & Transportation Safety & System Stabilization Act & the USA Patriot Act of 2001

The reauthorization of the Violence Against Women Act of 1994 is passed with some expanded funding & services

The Child Abuse prevention & Enforcement Act & Jennifer's Law allows use of Byrne grant funds for prevention & costs of entering victims in FBI's NCIC database

The Federal Crime Victims Fund deposits total \$544 million

**1999-2002** Several pieces of Legislation were enacted into law that positively impacted crime victims' issues: Truth & Sentencing law, 3 Strikes law, the Sex Offender Registry, the Sexual Predator law, the Interstate Compact for Adult Offender Supervision, no court charges for harassment/stalking victims, the overhaul of the Guardian Ad Litem procedures, expansion of venue for Orders of Protection, increasing penalties for harm to Vulnerable, Adults, Creation of the State Child Fatality Review and many more.

**2002** Formation of the **National Crime Victims' Legal Network** at Lewis & Clark School of Law.

**2002** All 50 states, District of Columbia, US Virgin Islands, Puerto Rico, & Guam have established crime victim compensation programs

The National Association of VOCA Assistance Administrators is created and OVC sponsors

The National Public Awareness & Education Campaign to promote the scope & availability of victims' rights & services nationwide offers the first "Helping Outreach Programs to Expand" grants to grassroots, non-profit, community-based victim organizations to improve services & sponsors regional roundtables for victims

The Federal Crime Victims Fund deposits total \$519 million

**2003** The Office for Victims of Crime celebrates its 20th anniversary of service

The Senate Judiciary Committee passes the Federal Victims' Rights Constitutional Amendment: "But The House Fails to Take Action"

Congress makes the Office on Violence Against Women a permanent independent office

The Protect Act of 2003 (Amber Alert) creates a national network of AMBER (America's Missing: Broadcast Emergency Response) to facilitate rapid law enforcement & community response to kidnapped or abducted children

Congress passes the Prison Rape Elimination Act to address the issue of rape in correctional institutions

**2004** U.S. Congress passed the strongest federal crime victims' legislation in nation's history after failure to approve a Federal Constitutional Amendment; H.R. 5107, **The Justice For All Act of 2004**, strengthens the rights of victims of federal crimes and provides enforcement and remedies when there is failure to comply; Title 1 is named in honor of five victims: Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis and Nila Lynn; H.R. 5107 also includes provisions for DNA analysis backlog. The Act authorizes \$155 million in funding over the next 5 years for victim assistance programs at the federal and state level.

South Carolina Victim Assistance Network receives a three year Federal grant to enforce Crime Victim Rights in SC.

The Debbie Smith Backlog Grant Program provides \$755 million to test backlogs of rape kits & \$500 million to improve the capacity to conduct DNA analysis, etc.

National Sex Offender Registry enacted by Congress that provides real time access to public sex offender data nationwide with a single Internet search  
The Federal Crime Victims' Fund deposits a total \$834 million, the second highest level since its inception

SC Department of Public Safety awards \$5,116,000 in crime victim funds

**2002-2006** More significant SC Legislation and Public Policy Issues are enacted: Creation of the Domestic Violence Fatality Task Force; Stephanie's law, requiring DSS to keep certain histories of Abuse and Neglect reports regardless of a finding; Rewriting of DSS central Registry requiring certain offenders to be placed in the Registry; Mary Lynn's law that revised Stalking and Harassment Statutes + added new notification policies; Revision of CDV Statutes; Anti-Human Trafficking Statutes; Child Hearsay Exception; 1 Strike for Sex offenders; Jessie's Law that revised CSC with minors + added the Death Penalty for certain second offenders; Expansion of time period for receiving Crime Victim Compensation in childhood cases; Creation of a new Vulnerable Adult Division at SLED; Changes in Notification law for Victim Advocates; Governor and Attorney General's office succeeded in acquiring General Fund money for CDV prosecution in the lower courts; Prosecution Commission succeeded in obtaining General Fund money for the performance of crime victim services at the court level; Enactment of new penalties for the use of Meth including penalties for exposing a child to Meth; and much more.

**2005** The Federal Crime Victims' Fund deposits total \$668 million  
SC Department of Public Safety awards \$5,359,000 in crime victim funds  
National Sex Offender Registry enacted by Congress that provides real time  
access to public sex offender data nationwide with a single Internet search  
US Congress House of Representatives establishes the first-ever US Congress  
Victims' Rights Caucus, chaired by Congressman Judge Ted Poe (R-Tex) to  
elevate crime victim issues in Congress  
Silver Anniversary of National Crime Victims' Rights Week is observed in April ,  
2005, to commemorate the pioneering efforts of President Ronald Reagan

**2006** The Federal Crime Victims Fund deposits total \$ 1.255 million, but the  
Bush administration has placed a **\$650 million cap** on the expenditure of the  
Fund.  
President Bush signs new law extending federal victims' rights to habeas  
proceedings.  
The Office of the Victims' Rights Ombudsman is created by the Department of  
Justice: A crime victim may file a complaint against any employee of the  
Department of Justice who violated or failed to provide the rights established  
under the [Crime Victims' Rights Act of 2004, 18 U.S.C. § 3771](#). The Department  
of Justice has established the Office of the Victims' Rights Ombudsman to  
receive and investigate complaints filed by crime victims against its employees,  
and has implemented [Procedures to Promote Compliance with Crime Victims'  
Rights Obligations, 28 C.F.R. § 45.10](#).

**2006** SC Department of Public Safety awards \$5,697,000 in crime victim funds

It is worth noting that South Carolina has achieved national recognition for its  
contributions to the crime victims rights and services field. One indication of the  
extent of this recognition is that three South Carolinians have received the  
Nation's highest award for contributions to crime victims. Dr. Connie Best from  
Charleston was presented with the President's Award for Outstanding Services  
to Crime Victims by President Bill Clinton in 1996. Ms. Jayne Crisp from  
Greenville received the same award from President George Herbert Walker Bush  
in 1991. Finally, Dr. Dean Kilpatrick from Charleston received the same award  
from President George HW Bush in 1990.

## **Scope of Crime/Historical Review of the Victims' Rights Discipline Self-Examination**

1. To what extent are people in America concerned about violent crime in the U.S.?
2. How has a concern about violent crime affected the way people in America view the world and live their lives?
3. What are the four movements that set the stage for the victim's rights discipline?
4. Identify the original grassroots crime victim programs and describe their impact on the victims' rights discipline.
5. List two major federal laws that were passed to benefit crime victims in the 1980s and two in the 1990s.
6. List two major South Carolina laws passed to benefit crime victims.